

Getting Ready for Electronic Filing using CM/ECF

in the

**U. S. District Court
District of Colorado**

September, 2004

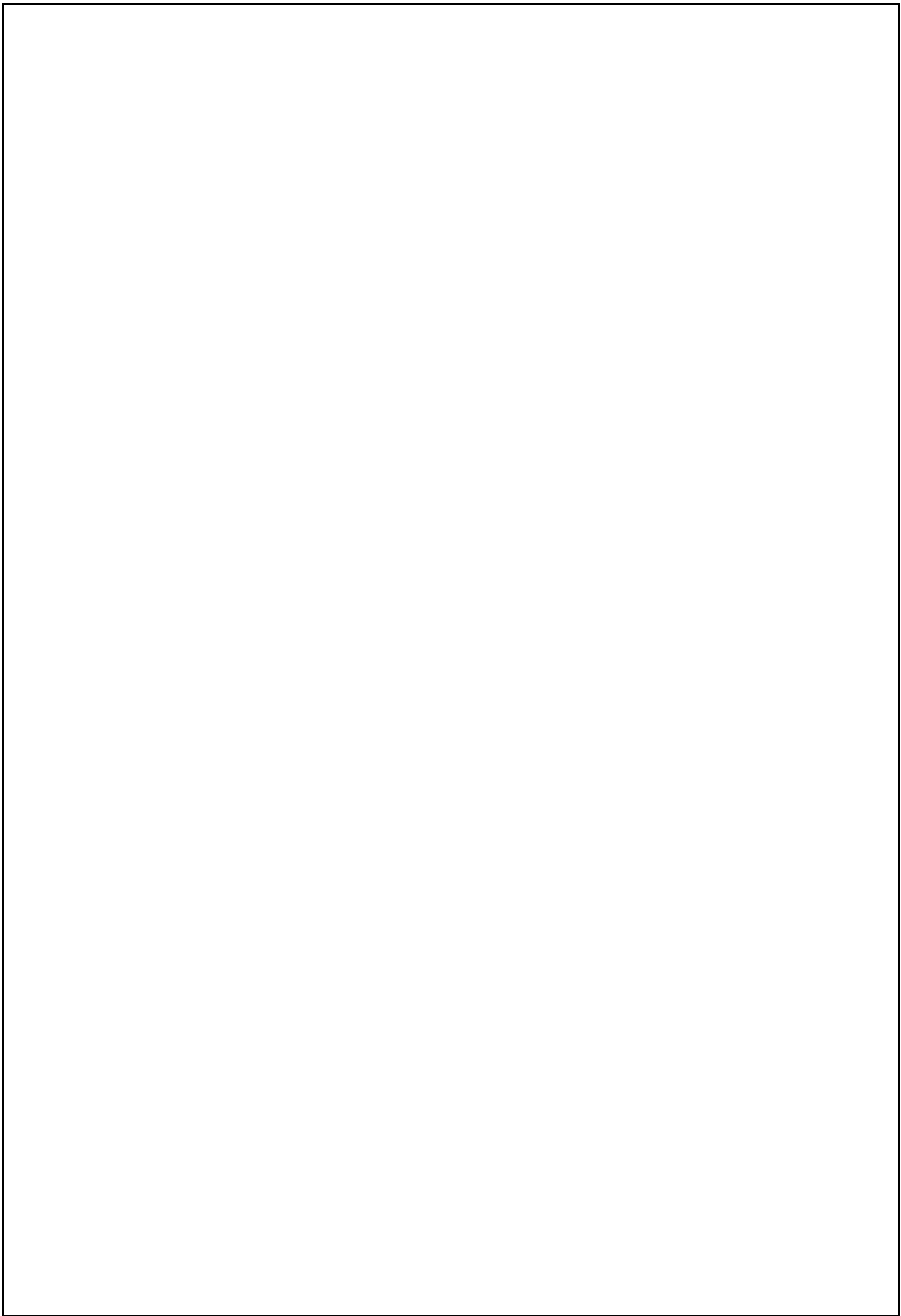


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Introduction

Welcome!!! The United States District Court, District of Colorado would like to present this guide to assist you and your office in getting prepared for **Electronic Filing** using **Case Management/Electronic Case Files (CM/ECF)**. This guide is intended to provide information that will assist you in getting the logins, equipment, training, and software you might need to successfully access and electronically file documents with the District of Colorado.

This guide also provides a “Planning for CM/ECF in the Office” section which is intended to present information and a checklist as to items your office should be aware of so you can plan appropriately.

The Court does not **endorse or support specific hardware or software products** that are mentioned within this document. It is up to the practitioner to determine what hardware/software is appropriate for their needs.

Please note that you should **NOT** rely on your experience with the state electronic filing system to say that you are ready for CM/ECF. **The two systems are different.**

The Court wishes to thank the Faculty of Federal Advocates’ Advisory Committee in providing guidance in the preparation of this document.

Check List

This checklist is a **quick view** of what is needed to be able to access, query, and file documents in the District of Colorado's Electronic Case Files (ECF) system. The page referenced in the checklist is to provide you with more detailed information.

1. **PC Hardware/Software, and internet access** _____

You will need a computer (Personal Computer (PC) or Mac (Apple)), some specific software which includes, but is not limited to, word processing and PDF creation software, e-mail access, and the ability to connect to the Internet. **(See Page 3)**

2. **Scanner/Scanning** _____

For documents you can't create electronically, you will need a scanner to scan and create an image of the document that you can save as a PDF document. **(See Page 4)**

3. **Training** _____

What training will be provided? The court has a number of training options available to attorneys and their staff. **(See Page 5)**

Do I/firm staff need the prerequisite training before attending CM/ECF training?

4. **Get a PACER Login, if you do not have one** _____

A firm may have a single PACER Login that could be shared within the firm. PACER logins are used for queries and reports which do not require the identification of the person logging in. Firms may choose to get individual logins, if desired. **(See Page 7)**

5. **Get a Colorado ECF Login** _____

You will need to obtain an ECF login for access to the District of Colorado's CM/ECF System. Each attorney **MUST** have an individual login to access CM/ECF. **(See Page 8)**

6. **Support** _____

What support will be available to attorneys and their staff from the Court? What support will you need other than what the Court will provide? **(See Page 9)**

7. **Planning for CM/ECF in the Office** _____

What other items attorneys need to consider in planning for CM/ECF which may affect their office operations. **(See Pages 10 - 14)**

PC Hardware/Software and Internet Access

Recommended

Hardware -

Pentium class or equivalent PC running Windows 98 or higher with 64MB of RAM.

-or-

G3/G4 Macintosh running System 9 or higher with 64MB of RAM.

Software -

1. Netscape Navigator Web Browser 4.7x or greater or Internet Explorer 5.5 or greater.
2. Adobe Acrobat Reader 6.0 (The Adobe Reader is required to be able to open/read PDF documents. Since Adobe Reader only opens PDF documents, you can also save the PDF document to a storage medium such as your hard drive. You **CANNOT** create a PDF document from Adobe Reader.)
3. Adobe Acrobat **Writer** 4.0 or higher, pdfFactory or other PDF **creation** software to be able to create a PDF document to be used for filing of documents electronically.
4. Word Processing software to create pleadings and the ability to create a **WordPerfect document(s) for proposed orders**.
5. E-mail account(s) and software to receive and send e-mail.

Internet Access-

Along with the computer and software, you will need a means to access the Internet via a browser. A dial up phone connection will work (but slow) or a DSL (Digital Subscriber Line), Cable modem, ISDN (Integrated Services Digital Network), or T-1 line will provide faster connectivity and access. A minimum 56K Dial-up Internet Service Provider (ISP) is needed. Consider a higher speed connection such as (Cable, DSL, ISDN, T1).

The bottom line: A computer with enough capacity (Based upon other CM/ECF users' feedback, 512 MB of RAM and a newer version of Windows (Windows 2000, Windows XP) will perform better), the appropriate software (as listed above), and a way to access the Internet.

More information:

http://www.cod.uscourts.gov/cmecf_frame.htm

Scanner/Scanning

There will be occasions where a document is not available electronically and must be scanned. Examples are titles, leases, stock certificates, or documents where a hand signature is required.

To get those type of documents created as a PDF, they must be scanned as an image and saved as a PDF document.

In order to scan a document, there are **three** components:

1. The scanner & connecting cable (generally a USB (Universal Serial Bus) or SCSI (Small Computer System Interface - pronounced as "scuzzy") cable.
2. Driver(s) - software loaded to allow the computer and scanner to function.
3. Scanner software to allow the user to save, print, and/or manipulate the scanned document.

There are a wide range of scanners available and encompass a wide price range.

Scanners come in three basic styles:

1. **Flatbed scanner** - this scanner requires the document to be place on the "flatbed" so it can be scanned. Every time you want to scan, you must lift the cover and place the document to be scanned on the scanning area. Also, for multiple page documents, each page must be placed manually on the scanner.
2. **Document fed scanner** - this type of scanner will "feed" the document through the read head(s) to be scanned. The benefit of this type of scanner is a smaller footprint (takes up less space on the desk) and it will handle multiple page documents.
3. A **document feeder and flatbed scanner combination** - this type of scanner allows documents to be automatically fed in through the document feeder and has a flatbed to handle multiple size documents.

Scanner manufacturers include, but are not limited to, HP (Hewlett-Packard), Canon, Epson, Visioneer, Dell, and Fujitsu. The court does not recommend or endorse one over the other. The factors are the **speed, efficiency, cost, ease of use, ability to create PDF documents**. Some practitioners have purchased an "All-in-One" (Printer/Copier/Scanner/Fax) machine to meet equipment needs.

Most scanners and scanner software should allow the operator to adjust or set the scanning resolution for scanned documents. For the most part, scanning at a **200 dpi** (dots per inch) resolution should be sufficient. The default for many scanners is 600 dpi which is overkill for most text based documents.

The bottom line: Ability to scan document(s) and save as a PDF document. **It's also important to check or set the dpi scanning resolution to 200 dpi.** (See note above)

More information:

http://www.cod.uscourts.gov/cmecf_frame.htm

Training

Note:

Prior to using any of the training methodologies noted below, users (attorneys and office support staff) should be proficient in:

1. Accessing the Internet
2. Downloading and uploading documents (files) from the Internet.
3. Creating PDF files from word processors.
4. Scanning and creating PDF documents from a scanner.
5. Attaching documents to e-mail messages.
6. Review the court's Local Rules as well as any Administrative Procedures related to electronic filing.

There are a number of sources to obtain training/information on the above first five items. They include, but are not limited to: the Internet, internal technical training staff, IT staff, technical institutes, community colleges, four year colleges, county adult training, etc.

The Court plans to utilize **four** training approaches:

1. Classroom training
2. Computer Based Training (CBTs) modules
3. User Manual
4. Train the Trainer (for firms with a training staff). These trainers will in turn train others in their firm.

1. Classroom training

Classroom will be provided for participants wanting hands-on exposure to CM/ECF. This training will be conducted at the Courthouse and will be provided on a regularly scheduled basis and is designed to provide the following:

- a. Access to the CM/ECF Training database
- b. Logging on to the CM/ECF application
- c. Filing a pleading to a case and uploading the pleading as a PDF document
- d. Reviewing the Notice of Electronic Filing (NEF)

Note: Classroom training is estimated to be approximately two hours in length.

Training (continued)

2. Computer Based Training (CBT)

Attorneys can access **Computer Based Training (CBT)** modules for the CM/ECF application from the court's website. Although, the material is more generic, logging on, filing a pleading, and other electronic filing processes are presented. The CBTs can be accessed at:

http://www.cod.uscourts.gov/cmecf_frame.htm

3. User Manual

A court developed **User Manual** will be available on the Internet to provide information on access, logging in, filing a pleading, the **Notice of Electronic Filing (NEF)**, etc.

4. Train-the-Trainer.

For firms that have a training department, the court is willing to Train-the-trainer so the firm's training staff will be able to train any number of staff within their own organization.

More information:

http://www.cod.uscourts.gov/cmecf_frame.htm

Getting a PACER Login

Get a PACER Login, if you do not have one

If you do not have a PACER login, you will need to obtain one to work in conjunction with your ECF login. PACER is the acronym for **P**ublic **A**ccess to **C**ourt **E**lectronic **R**ecords and it's a country-wide program designed to allow PACER customers to access case information on cases filed in participating Federal courts. PACER users are billed based upon information/documents accessed and the cost is \$.07/page of information retrieved. A "page" could be up to 50 lines. For example, a PACER customer could request case summary information and the information retrieved could be 15 "lines" of information and the cost billed is \$.07, or the PACER customer could request a docket sheet containing 90 lines of information and the cost billed would be \$.14. **Note: If a document has more than 30 pages, PACER will cap the charge for the one document at \$2.10 (30 pages x .07 = \$2.10).**

There is no cost to obtain a PACER Login. Billing is on a quarterly basis and customers are not billed in a given quarter until their cost accrual reaches \$10.00 in a given calendar year.

PACER is designed to work with ECF logins as the means to access electronic court information. At this time, ECF logins are issued by specific courts and are not maintained by the PACER Service Center. Therefore a PACER login is needed so when an ECF user wants to access electronic information, the PACER login will allow such access.

Note: Registered CM/ECF users will get one *free look* at documents from cases in which they receive a Notice of Electronic Filing (NEF) e-mail. Registered CM/ECF users will get an e-mail which has a hyperlink to the image of the document. Once they click on the document hyperlink, CM/ECF will present the PDF image of the document filed. This is the *free look* at the document and the user should save or print the document for future reference. After the first look, any other access to the document will be via PACER and charges will then apply.

<p>The bottom line: A PACER login allows you to query and run reports. An ECF login allows you to access the CM/ECF application and electronically file pleadings.</p>

More information:

http://www.cod.uscourts.gov/cmecf_frame.htm

Or

<http://pacer.psc.uscourts.gov>

Getting an ECF Login

Get a Colorado ECF Login

The U S District Court, District of Colorado will have a registration form available for practitioners to use to register and request an ECF login and password.

Obtaining the ECF login and password will allow a practitioner to file pleadings, receive e-mail notifications of activity in cases they are involved in or interested in. Access will be virtually 24/7 (exceptions are scheduled maintenance or unforeseen power outages).

The bottom line: Getting an ECF login and password will provide a practitioner virtually 24/7 access, ability to access case information and electronic documents in cases that they are involved in or interested in.

More information:

http://www.cod.uscourts.gov/cmecf_frame.htm

Support

Although, the Court will try to help with questions, some of the questions may be specific to a software application such as WORD, Adobe Acrobat, Windows, Mac, etc. In many of those situations, you will be required to contact the software or hardware vendor to get support.

The Court's focus will be assisting you with CM/ECF related issues. You and your firm will be responsible for dealing with other technical issues.

- As a general rule, most technical problems are at the local workstation or local network. Therefore, in-house technical expertise should be contacted first.
- The next point of contact should be the "in-house" ECF expert concerning other questions pertaining to ECF filings which might be based upon office procedures.
- The court should be contacted next if it's not a local technical question nor a question related to your office policy/procedure on ECF.

If you want to send an e-mail about CM/ECF to the Court, you can use the following e-mail address: **`cod_cmecf@cod.uscourts.gov`**.

Planning for CM/ECF in the Office

Besides the hardware, software, logins, etc., there are items you should consider for your office operations:

These items will require

- **analysis**
- **research**
- **planning**

E-mail management

Once you are registered for ECF, the Notice of Electronic Filing (NEF) e-mail messages will begin to come into your e-mail inbox. The e-mail messages provide:

1. Notification as to activity in the case.
2. Is considered “service” from the Court for items such as orders, etc.
3. Provide the opportunity for your *free look* at the electronic document.

Since you will start receiving a **greater volume** of e-mail, you should consider how you will manage the volume of e-mail.

You should consider how you will manage the receipt and flow of e-mail through your office. You will have the ability to use multiple e-mail addresses, if you wish. Many e-mail software packages have “filters” or “rules” that you set up to assist in managing e-mail coming to you. You might consider setting up “rule(s)” or “filter(s).”

Have you reviewed the following:

- Who should be receiving the NEF e-mail messages?
- Where are you going to store the NEF e-mail messages? Do you need to keep the NEF e-mail messages?
- Is there someone in the office that can set up “rules”/“filters” for your e-mail software?
- How many e-mail addresses should be set up to receive the NEF?
- Do you have spam software installed that might prevent you from receiving the NEF?
- Will you need to print each document?, If so, where will you file the hard copies?
- Will you need to save each electronic document? If so, where will you save the electronic document?
- Do you need to add **ecf.notification@cod.uscourts.gov** in your address book so ECF related e-mails won’t be blocked. AOL is a prime example where you might need to do this. There may be others that will require this addition to the user’s address book.

Software/Hardware

Although this document provides information on hardware/software/internet access, it's still up to you to decide whether you should purchase new hardware/software/internet access or upgrade existing hardware/software/internet access, etc.

Have you reviewed the following:

- Do you have enough disk storage (on you local PC or network server) capacity to store electronic documents?
- Do you need any dual monitor configurations for your office? (Setting up two monitors for a single PC workstation)
- Do you need to set up a network for your computers?
- Does your internet browser meet the versions suggested by the court?
- Have you researched what type of Internet access you will need? (I.e. dial-up, cable, DSL (Digital Subscriber Line) , ISDN (Integrated Digital Services Network), T1, etc.)
- Do you have software installed that can create PDF documents?
- Do you have software installed that can create a WordPerfect formatted document?
- Do you have software installed that can read/open PDF documents?
- Should you consider purchasing a scanner?
- Should you consider getting an *All-in-One* scanner, printer, fax, copier machine?
- Do you have a PC to which you can connect a scanner?
- Does your scanner allow you to scan documents and save/convert to a PDF format?
- Is your printer fast enough to handle printing PDF documents?
- Can you back-up your hard drives to ensure you can restore/recover from equipment failure?
- Have you reviewed your financial plan, spending plan, or budget to include the purchase of new/upgraded hardware and software?
- Does your financial plan, spending plan, or budget include maintenance supplies for your printer/copier/fax/scanner equipment?

Document management

It is critical you think about document management within your practice/office. The document management requirements will vary from firm to firm, and practitioner to practitioner.

Have you reviewed the following:

After scanning original exhibits and/or other original documents (such as, signed affidavits, etc.), where are the originals going to be stored?

- How long do you need to keep the originals on file?
 - Are there Court local rules on retention?
 - Do you need to keep them longer than what the Court requires?
- How are you going to file/organize the PDF files that you either receive via NEF(s) or that you file with the court?
 - By date?
 - By case number?
 - By party?
 - By multiple means?
- How are you going to file/organize the scanned electronic copy?
 - By date?
 - By case number?
 - By party?
 - By multiple means?
- How long do you need to keep the electronic copy?
- How will you retrieve/find electronic documents?
 - By date?
 - By case number?
 - By party?
 - By multiple means?
- Do you need document management software to keep electronic files organized?

Password/Login management

You will be getting a CM/ECF login and password and a PACER login and password. You might have other logins and passwords for other courts, etc.

Have you reviewed the following:

- How is each attorney going to track logins and passwords for each court they plan to electronically file in?
- What happens when an attorney leaves the firm?
- How do you ensure you will still receive copies of orders, etc. after the attorney leaves?
- How quickly can you file substitution of counsel in each case the attorney was involved in?
- Do you need to change any passwords, etc.?

Personnel/Training

Have you reviewed the following:

- Do you have personnel that can create PDF files from word processors?
- Do you have personnel that can scan hard copy documents and create PDF files from the scanner?
- Do you need to hire technical support staff?
- Do you have personnel that can attach documents to e-mail messages?
- Does your staff access the Internet and know how to use a browser such as Netscape Navigator and/or Internet Explorer?
- Does your staff know how to clear cache and/or temporary Internet files from your browser software?
- Does your staff know how to convert WORD documents to WordPerfect formatted documents?
- Does your staff know how to utilize folders/directories to store and/or find electronic files/documents?

Work Flow processes /other

Have you reviewed the following:

- Does your staff know what the court's local rules and/or administrative procedures are relating to electronic filing?
- Will work processes and timing change in your office due to CM/ECF?
- Are you going to need less staff, more staff, runner(s)/(couriers)?
- Are there changes in mail and delivery service needs?
- Will you want to explore how you keep and manage discovery and trial materials?
- Will you want to review how you maintain your brief banks, forms, and research files?
- Do you plan on preparing flowcharts which define how you presently manage your records and prepare flowcharts which will define how you will manage documents in the future?
- How do you plan on organizing, storing, and accessing electronic documents you receive via the Notice of Electronic Filing (NEF)?
- Are your current printer(s) sufficient for printing needs and are there enough printer(s)?
- Is there other office equipment such as fax machines, copier(s), etc. sufficient or needed?
- Do you have appropriate backup and security procedures in place?